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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,738

Applicant(s)

BLEDSOE ET AL.

Examiner

AKWASI M. SARPONG

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 and 7-46 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 04/16/2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/08/2008 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 1-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims a first and a second state of the print mechanism however in the specification or the Drawings the applicant fails to either explain or disclose what the first and the second state is referring to. In examination, the examiner interpreted the first state as when the print mechanism is disabled or blocked or denied from the user and the second state as when the server receives from the user and transmit a response to the user in accordance to the first information.
3. Understand that Claims 2-8, 10-16 and 18-46 are also rejected under 35 U.S.C. 112, first paragraph, because it of their dependence on claim 1, 9 and 17.

4. Claims 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 10-16 recites the limitation "the third state including the" In claim 10. There is insufficient antecedent basis for this limitation in the claim. The previous claims does not talk about a third state.
6. Claims 11-16 are also rejected for the same reason as stated above as there is insufficient antecedent basis.
7. Also Claim 10 was not clear and therefore the examiner took the broadest interpretation as explained in the office action below.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1-4, 7-9, 17 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirabayashi (7231369).

Claim 1, Hirabayashi discloses a system (**Fig. 1 shows a printing system**) comprising:

a processor (**Col. 6 Lines 40-45, Fig. 1, El. 20 and 10- thus CPU 10 and 20 are all processors within the system**).

a memory (**Fig. 1, El. 25 or Hard disk 25**) comprising firmware (**NB: Beware that firmware is read as Programs in this reference**) executable by the processor (**CPU 20**) to cause the processor to (**Col. 6 Lines 55-58- thus the programs stored in hard disk is executed by CPU 20**)

operate a print mechanism (**Fig. 1 El. 4 or Printer 4**) in accordance with a first state the print mechanism (**Col. 6 Lines 50-55-thus printer can print color and other form of printers**):

NB: Understand “a first state” is interpreted as the time when no request has been sent to the printer and it functions and capabilities are disabled, i.e. the printer is not processing any print job.

Also remember that after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs. This is fully explained in both Col. 13 lines 49-67 and Col. 14 lines 1-45.

receive user selection information indicative (**Http request**) of the functionality of the print mechanism selected by a user (**Col. 12, lines 15-19, Fig. 15 El. 501- the user send a request to use printer 4**).

in response to receiving the user selection information, (**NB: the server receives the Http request from the user**) transmit first information indicative of the user selection to a server; (**Col. 12 Lines 10-37-thus the server transmits or sends back**

Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33)

receive second information from the server, (Col. 12 Lines 44-60 –thus after the user send the first information like landscape and Portrait to server 35) where the second information is based on the first information; (Col. 12 Lines 38-60, Fig. 33 - thus the second information is based on the first information because it shows how the thumbnail image will be displayed whether it should be in Portrait or landscape or animal).

NB: Remember that Fig. 33 shows a landscape because the first information chosen by the user was landscape and therefore the second information is based on first information.

change the first state for the print mechanism to a second state using the second information from the server the second state including the functionality of the print mechanism selected by the user. (Col. 14 lines 1-45-thus after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs.)

operate the print mechanism in accordance with the second state wherein the print mechanism is not operable (**Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user**) with the functionality selected by the user prior to receiving the second information from the server. (**Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).**

Claim 2, Hirabayashi discloses wherein the first state comprises a disabled state of the functionality, (**Col. 14 lines 1-10- thus the user is not allowed to connect or send a print command to the printer and therefore the function of the printer of processing print jobs is disabled**) and wherein the second state comprises an enabled state of the functionality. (**Col. 14 lines 45-55- thus after the login session is checked and it is Ok then the print system enters another state where the user is allowed to connect to the printer through the server).**

Claim 3, Hirabayashi discloses wherein the first state comprises a first level of performance (**NB: that is the user is only allowed to enter his user ID and Password and the server is allowed to only perform the authentication process- i.e. check the corresponding information provided by the user with the ones stored in memory**) and wherein the second state comprises a second level of performance. (**Col. 19 Lines 61-65-, Fig. 36- thus in the second state, that is where the user is allowed to make the selection as shown in fig. 36).**

Claim 4, Hirabayashi discloses wherein the second information comprises an encryption key. **(Col. 7 lines 55-63-thus the container key is used for decrypting the image data).**

Claims 5-6- (Cancelled).

Claim 7, Hirabayashi discloses wherein the firmware is executable by the processor to cause the processor to:

provide the first information associated with the user selection information to the server using an external interface **(Col. 6 Lines 40-54- thus the user uses terminal 2 to make his selections and as clearly shown in Fig. 1 user terminals 2 is a totally different components from both server 3 and Printer 4) and**

receive the second information associated with the capability of the print mechanism in response to providing the first information to the server. **(Col. 19 Lines 43-67, Fig. 36 shows a window where the user selects a portrait or landscape in which the image will be shown whether it will be in landscape or portrait).**

Claim 8 Hirabayashi discloses wherein the firmware **((NB: Beware that firmware is read as Programs in this reference))** is executable by the processor to cause the processor to

provide the first information associated with the user selection information to the server (Col. 9 lines 4-10-thus user send his information from the computer to the server 3) by providing the first information to a computer system coupled to the external interface. **(Col. 9 Lines 4-10- thus the user uses terminal 2 to enter the user information)**

Claim 9, Hirabayashi discloses a system comprising:

a print mechanism **(Fig. 1 El. 4 or Printer 4)**

a print engine configured to operate the print mechanism. **(Printer 4 uses print engine to print images).**

means for receiving user selection information **(server 3 receives the HTTP request from the user through terminals 2)** indicative of functionality with the print mechanism selected by a user, **(Col. 12, lines 15-19, Fig. 15 El. 501- the user send a request to use printer 4).**

in response to receiving the user selection_information, means for transmitting the-first information indicative of the user_selection information to a server. **(Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33).**

means for receiving second information from the server, **(Col. 12 Lines 44-60 – thus after the user send the first information like landscape and Portrait to server 35) where the second information is based on the first information (Col. 12 Lines 38-**

60, Fig. 33 - thus the second information is based on the first information because it shows how the thumbnail image will be displayed whether it should be in Portrait or landscape or animal).

NB: Remember that Fig. 33 shows a landscape because the first information chosen by the user was landscape and therefore the second information is based on first information.

means for changing an operational state (Server 3 changes the operational state of printer 4 because it is the server that verifies or check the user ID or password of the user grant access to the user) of the print mechanism from a first state to a second state using the second information from the server, the second state including the functionality of the print mechanism selected by the user, (Col. 14 lines 1-45-thus after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs.)

wherein the print mechanism is not operable (Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user) with the functionality selected by the user prior to receiving the second information from the server. (Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).

Claim 17, Hirabayashi discloses a method comprising:

receiving user selection information indicative (**Http request**) of functionality of a print engine a selected by a user (**Col. 12, lines 15-19, Fig. 15 El. 501- the user send a request to use printer 4 by sending a http request page**).

in response to receiving the user selection information, (**NB: the server receives the Http request from the user**) transmitting the first information indicative of the user selection to a server.

(**Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33**).

receiving second information from the server, (**Col. 12 Lines 44-60 –thus after the user send the first information like landscape and Portrait to server 35**) where the second information is based on the first information (**Col. 12 Lines 38-60, Fig. 33 - thus the second information is based on the first information because it shows how the thumbnail image will be displayed whether it should be in Portrait or landscape or animal**).

NB: Remember that Fig. 33 shows a landscape because the first information chosen by the user was landscape and therefore the second information is based on first information.

and

changing an operational state of the print engine from a first state to a second state the second information from the server, the second state including the functionality of the print engine selected by the user, **(Col. 14 lines 1-45-thus after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs.)**

wherein the print engine is not operable **(Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user)** to perform the functionality selected by the user prior to receiving the second information from the server. **(Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).**

Claim 30, Hirabayashi discloses wherein the firmware is further executable by the processor to cause the processor to:

operate a functional unit **(Fig. 1 El. 4 or Printer 4-thus printer 4 performs printing function)** in accordance with a third state. **(Col. 6 Lines 50-55-thus printer can print color and other form of printers):**

NB: Understand as explained earlier on, “a first state” is interpreted as the time when no request has been sent to the printer and its functions and capabilities are disabled, i.e. the printer is not processing any print job.

Also remember that after the user sent his credit card information and user-Id and Password and the server grants access based on the user's information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is changed to a second state where the printer is connected and started printing print jobs. This is fully explained in both Col. 13 lines 49-67 and Col. 14 lines 1-45.

receive second user selection information indicative (Http request) of second functionality of the functional unit selected by a user; (Col. 12, lines 15-19, Fig. 15 El. 501- the user sends a request to use printer 4).

in response to receiving the second user selection information, (NB: the server receives the Http request from the user) transmits third information indicative of the second user selection to the server; (Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33).

receive fourth information from the server, (Col. 12 Lines 44-60 –thus after the user sends the first information like landscape and Portrait to server 35) where the fourth information is based on the third information (Col. 12 Lines 38-60, Fig. 33 - thus the second information is based on the first information because it shows how

the thumbnail image will be displayed whether it should be in Portrait or landscape or animal).

NB: Remember that Fig. 33 shows a landscape because the first information chosen by the user was landscape and therefore the second information is based on first information.

change the third state associated to a fourth state using fourth information from the server, the fourth state including the second functionality of the functional unit selected by the user; **(Col. 14 lines 1-45-thus after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs.)**

and

operate the functional unit **(Printer 4)** in accordance with the fourth state, wherein the functional unit is not operable **(Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user)** with the second functionality selected by the user prior to receiving the fourth information from the server. **(Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10-16, 19-23, 25-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi (7231369) in view of Ogura (2003/0112461).

Claim 10, Hirabayashi discloses all the limitation in claim 9 as discussed earlier on and means for receiving second user selection information indicative (**Http request**) of a functionality of the functional unit selected by the user; (**Col. 12, lines 15-19, Fig. 15 El. 501- the user send a request to use printer 4**).

in response to receiving the second user selection information, (**NB: the server receives the Http request from the user**) means for transmitting third information indicative of the second user selection to the server: (**Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc**) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33)

means for receiving fourth information from the server, (**Col. 12 Lines 44-60 – thus after the user send the first information like landscape and Portrait to server**

35) where the fourth information is based on the third information (Col. 12 Lines 38-60, Fig. 33 - thus the second information is based on the first information because it shows how the thumbnail image will be displayed whether it should be in Portrait or landscape or animal).

NB: Remember that Fig. 33 shows a landscape because the first information chosen by the user was landscape and therefore the second information is based on first information.

means for changing an operational state of the functional unit from a first state to a second state-in receiving using the second fourth information, the third state including the second functionality of the functional unit selected by the user, (Col. 14 lines 1-45- thus after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs.)

wherein the functional unit is not operable (Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user) with the second functionality selected by the user prior to receiving the fourth information from the server. (Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).

However Hirabayashi does not disclose wherein the system further comprising a functional unit operable by the print engine.

Ogura discloses wherein the system further comprising a functional unit operable by the print engine. **(Section 0021, Fig. 2 shows scanner functional unit 12, printer functional unit 13 and facsimile functional unit 15 which is all capable of operating with printer 13).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Hirabayashi's printer 4 to include Ogura's multi-functional unit like the scanner and facsimile functional units, so that it will be able to do more than just printing.

Claim 11, Hirabayashi in view of Ogura discloses wherein the functional unit is configured to perform a facsimile function. **(Ogura: Section 0021, Fig. 2 El. 15 or Facsimile section-thus section 15 is used for sending facsimile data).**

Claim 12, Hirabayashi in view of Ogura discloses wherein the functional unit is configured to perform a scanner function. **(Ogura: Section 0021, Fig. 2, El. 12 or scanner 12 thus scanner 12 is used for reading hardcopy images)**

Claim 13, Hirabayashi in view of Ogura discloses wherein the first functionality comprises a performance capability. **(Hirabayashi: Col. 6 lines 50-55-thus printer 4 is capable of performing the act of printing images as it is clearly disclosed in Col. 8, lines 45-50).**

Claim 14, Hirabayashi does not disclose wherein the first functionality comprises an upgrade capability.

Ogura discloses wherein the first functionality comprises an upgrade capability **(Section 0034, Fig. 4-thus if the user desire to update or upgrade the program of server 2 mail M1 is sent to digital copying machine 1). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify** Hirabayashi's RAM 11 in server 1 to include the control program as shown in fig. 4 so that programs which are not been used or needs to be upgraded can be updated to made it more effective.

Claim15, Hirabayashi in view of Ogura discloses wherein functionality comprises a functional capability. **(Hirabayashi: Col. 8 lines 30-50- thus printer 4 has a functional capability because it is capable to perform the act of printing print jobs).**

Claim 16, Hirabayashi in view of Ogura discloses wherein the first functionality comprises a renewal capability. **(Hirabayashi: Fig. 7 shows a period for which the credit card is valid and therefore if it is not valid anymore the card needs to be renewed and so the user has to renew his membership as well) .**

Claim 18, Hirabayashi in view of Ogura discloses a receiving a list of selectable functionalities **(Ogura: list of functionalities includes scanner, printer, facsimile**

sections shown in fig. 2) capabilities from the server, (Hirabayashi: Col. 21 lines 1-66, Fig. 37 shows clearly some functional capabilities like being able to rotate, zoom and delete print jobs form the print queue) the list including the functionality selected by the user. (Ogura: Section 0021 and 0025- thus the user selects a scanning function in order to receive scanning program).

Claim 19, Hirabayashi in view of Ogura discloses wherein the system further comprising providing an interface for the user to select the functionality from the list. (Ogura: Section 0025- Control panel 14 functions as a means for the user to select from the list of functionalities which one he wants to use).

Claim 20, Hirabayashi in view of Ogura discloses providing an interface for the user to enter the payment information. (Hirabayashi: Col. 15 Lines 35-46-thus the user uses this window to enter payment information)

Claim 21, Hirabayashi in view of Ogura discloses providing information to the server. (Hirabayashi: Col. 15 lines 47-66-Fig. 38, El. 63 -thus the user click the transmit button to send the information entered to the server).

Claim 22, Hirabayashi in view of Ogura discloses receiving second information associated with the functionality from the server in response to providing the user selection information and the payment information to the server. (Hirabayashi: Col. 15, lines 32-50-thus after the user provides his credit card information the verification

is done by the server and if the verification is Ok then access is granted and if it is not good then access is not granted).

Claim 23, Hirabayashi in view of Ogura discloses wherein it further comprising receiving payment information associated with the user selection information from the user. **(Hirabayashi: Col. 15, lines 47-66-thus the name of the user is included in the information provided in Fig. 38)**

Claim 25, Hirabayashi in view of Ogura wherein changing the capability operational state of the print engine in response to receiving the second information from the server comprises changing a print resolution of the print engine. **(Hirabayashi: Col. 8 Lines 37-50-thus the user changes the print resolution by inputting a maximum resolution)**

Claim 26, Hirabayashi in view of Ogura discloses wherein changing the operational state of the print engine in response to receiving the second information associated from the server comprises upgrading software or hardware. **(Ogura: Section 0034, Fig. 4-thus if the user desire to update or upgrade the program of server 2 mail M1 is sent to digital copying machine 1).**

Claim 27, Hirabayashi discloses wherein the method further comprising:

in response to receiving the second user selection information, **(NB: the server receives the Http request from the user)** transmitting third information indicative of the second user selection to the server: **(Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33)**

receiving from the server, **(Col. 12 Lines 44-60 –thus after the user send the first information like landscape and Portrait to server 35)** fourth information based on the third information **(Col. 12 Lines 38-60, Fig. 33 - thus the second information is based on the first information because it shows how the thumbnail image will be displayed whether it should be in Portrait or landscape or animal).**

NB: Remember that Fig. 33 shows a landscape because the first information chosen by the user was landscape and therefore the second information is based on first information.

and changing an operational state of enabling the functional unit to a third state, in response to receiving the fourth information from the server, the third state including the second functionality of the functional unit selected by the user, **(Col. 14 lines 1-45- thus after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the**

server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs.)

wherein the functional unit is not operable (**Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user**) to perform the second functionality selected by the user prior to receiving the fourth information from the server. (**Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).**

However Hirabayashi does not disclose wherein the method further comprising receiving a second user selection information indicative of second functionality of a functional unit selected by the user.

Ogura discloses wherein the method further comprising receiving a second user selection information indicative of second functionality of a functional unit selected by the user (**Section 0021, Fig. 2 shows scanner functional unit 12, printer functional unit 13 and facsimile functional unit 15 which is all capable of operating with printer 13**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Hirabayashi's printer 4 to include Ogura's multi-functional unit like the scanner and facsimile functional units, so that it will be able to do more than just printing.

Claim 28, Hirabayashi in view of Ogura discloses wherein the second functionality associated with the functional unit comprises a facsimile capability. **(Ogura: Section 0021, Fig. 2 El. 15 or Facsimile section-thus section 15 is used for sending facsimile data).**

Claim 29, Hirabayashi in view of Ogura discloses wherein the second functionality associated with the functional unit comprises a scanner capability. **(Ogura: Section 0021, Fig. 2, El. 12 or scanner 12 thus scanner 12 is used for reading hardcopy images).**

Claim 31, Hirabayashi does not disclose wherein the functional unit is configured to perform a facsimile function.

Ogura disclose wherein the functional unit is configured to perform a facsimile function. **(Ogura: Section 0021, Fig. 2 El. 15 or Facsimile section-thus section 15 is used for sending facsimile data).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Hirabayashi's printer 4 to include Ogura's facsimile unit so that printer 4 because a multi functional apparatus in which faxing can be done as well as printing.

Claim 32, Hirabayashi does not disclose wherein the functional unit is configured to perform a scanner function.

Ogura disclose wherein the functional unit is configured to perform a facsimile function. **(Ogura: Section 0021, Fig. 2 El. 15 or Facsimile section-thus section 15 is used for sending facsimile data)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Hirabayashi's printer 4 to include Ogura's scanning unit so that printer 4 because a multi functional apparatus in which scanning can be done as well as printing.

Claim 34, Hirabayashi discloses wherein the functionality of the print mechanism comprises a print resolution. **(Hirabayashi: Col. 8 Lines 37-50-thus the user changes the print resolution by inputting a maximum resolution)**.

Claim 35, Hirabayashi in view of Ogura discloses wherein the functionality of the print mechanism comprises a software or hardware upgrade. **(Ogura: Section 0034, Fig. 4-thus if the user desire to update or upgrade the program of server 2 mail M1 is sent to digital copying machine 1)**.

Claim 36, Hirabayashi in view of Ogura discloses wherein the functionality comprises at least one of the performance capabilities, **(Hirabayashi: Col. 19, lines 43-62-thus printer 4 has performances capabilities because it performs the act of printing)** renewable capabilities and upgrade capabilities **(Ogura: Section 0034, Fig. 4-thus if the user desires to update the program of server 2 mail M1 is sent to digital copying machine 1)**.

Claim 37, Hirabayashi in view of Ogura wherein the system comprises a printer with multiple hardware modules. **(Ogura: Fig. 1, EI. 1 has all the other modules shown in Fig. 2 like the scanner, printer and facsimile section).**

Claim 38, Hirabayashi in view of Ogura discloses wherein the functionality comprises enabling at least one of the hardware modules. **(Ogura: Section 0025- thus since the MFP 1 in Fig. 1 has all these different sections the user has to pick what function he wants to perform and therefore he has to enable at least one Of them at a time).**

Claim 39, Hirabayashi in view of Ogura discloses wherein the functionality comprises at least one of performance capabilities, **(Hirabayashi: Col. 19, lines 43-62- thus printer 4 has performances capabilities because it performs the act of printing) renewable capabilities and upgrade capabilities. (Ogura: Section 0034, Fig. 4- thus if the user desires to update the program of server 2 mail M1 is sent to digital copying machine 1).**

Claim 40, Hirabayashi in view of Ogura discloses wherein the system comprises a printer with multiple hardware modules. **(Ogura: Fig. 1, EI. 1 has all the other modules shown in Fig. 2 like the scanner, printer and facsimile section)**

Claim 41, Hirabayashi in view of Ogura discloses wherein the functionality comprises enabling at least one of the hardware modules. (Ogura: Section 0025- thus since the MFP 1 in Fig. 1 has all these different sections the user has to pick what function he wants to perform and therefore he has to enable at least one Of them at a time).

Claim 42, Hirabayashi in view of Ogura discloses wherein the functionality comprises at least one of performance capabilities, (Hirabayashi: Col. 19, lines 43-62- thus printer 4 has performances capabilities because it performs the act of printing) renewable capabilities, and upgrade capabilities. (Ogura: Section 0034, Fig. 4- thus if the user desires to update the program of server 2 mail M1 is sent to digital copying machine 1).

Claim 43, Hirabayashi in view of Ogura a printer (Hirabayashi: Printer 4 in Fig. 1) with multiple hardware modules (Ogura: Section 0025- thus since the MFP 1 in Fig. 1 has all these different sections the user has to pick what function he wants to perform and therefore he has to enable at least one Of them at a time).

receiving user selection information indicative (Http request) of functionality of a print engine a selected by a user (Hirabayashi : Col. 12, lines 15-19, Fig. 15 El. 501- the user send a request to use printer 4).

in response to receiving the user selection information, **(Hirabayashi : NB: the server receives the Http request from the user)** transmitting the first information indicative of the user selection to a server.

(Hirabayashi: Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33).

receiving second information from the server, **(Hirabayashi: Col. 12 Lines 44-60 –thus after the user send the first information like landscape and Portrait to server 35)** where the second information is based on the first information **(Hirabayashi : Col. 12 Lines 38-60, Fig. 33 - thus the second information is based on the first information because it shows how the thumbnail image will be displayed whether it should be in Portrait or landscape or animal).**

NB: Remember that Fig. 33 shows a landscape because the first information chosen by the user was landscape and therefore the second information is based on first information.

and

changing an operational state of the print engine from a first state to a second state the second information from the server, the second state including the functionality of the print engine selected by the user, **(Hirabayashi : Col. 14 lines 1-45-thus after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes**

from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started printing print jobs.)

wherein the print engine is not operable (**Hirabayashi : Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user**) to perform the functionality selected by the user prior to receiving the second information from the server. (**Hirabayashi : Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).**

Claim 44, Hirabayashi in view of Ogura discloses wherein the functionality comprises enabling at least one of the hardware modules. (**Ogura: Section 0025- thus since the MFP 1 in Fig. 1 has all these different sections the user has to pick what function he wants to perform and therefore he has to enable at least one Of them at a time).**

Claim 45, Hirabayashi in view of Ogura discloses wherein the print engine operates within a printer with multiple hardware modules. (**Ogura: Fig. 1, El. 1 has all the other modules shown in Fig. 2 like the scanner, printer and facsimile section)**

Claim 46, Hirabayashi in view of Ogura discloses wherein the functionality comprises enabling at least one of the hardware modules. (**Ogura: Section 0025- thus since the MFP 1 in Fig. 1 has all these different sections the user has to pick what**

function he wants to perform and therefore he has to enable at least one Of them at a time).

10. Claims 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi (7231369) in view of Ogura (2003/0112461) and further in view of Okimoto (6449055).

Claim 24, Hirabayashi discloses all the limitation in Claim 17 as discussed earlier.

Hirabayashi in view of Ogura does not disclose wherein changing the operational state of the print engine in response to receiving the second information from the server comprises changing a print speed of the print engine.

Okimoto discloses wherein changing the operational state of the print engine in response to receiving the second information from the server comprises changing a print speed of the print engine. **(Col. 39 lines 40-50- thus the user can select any of the print speed shown or discussed).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Hirabayashi's printer to include Okimoto's printing speed unit so that the user can change his printing speed if the one selected is not working correcting in accordance with the print substrate.

Claim 33, Hirabayashi in view of Ogura and further in view of Okimoto discloses wherein the functionality of the print mechanism comprises a print speed. **(Okimoto:**

Col. 39 lines 40-50-thus the user can select any of the print speed shown or discussed).

Response to applicant's arguments

The remarks filed by the applicant on 10/08/2008 was considered but was not persuasive.

Regarding Claims 1, 9 and 17 applicant argues that the cited reference fails to teach causing a processor, "in response to receiving the user selection information, [to] transmit first information indicative of the user selection to a server".

In reply: Examiner respectfully disagree because Hirabayashi discloses in response to receiving the user selection information, **(NB: the server receives the Http request from the user)** transmit first information indicative of the user selection to a server; **(Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33)**

NB: Understand that the server sends back the requested web page therefore the http mail selected or send by the user informs the server which page it should send or return to the user.

Regarding claim 17 applicants also argues that the cited references fail to teach or disclose receiving user selection information indicative of functionality of a print engine selected by a user;

in response to receiving the user selection information, transmitting first information indicative of the user selection to a server.

In reply, the examiner respectfully disagree because Hirabayashi discloses clearly receiving user selection information indicative (**Http request**) of functionality of a print engine a selected by a user (**Col. 12, lines 15-19, Fig. 15 El. 501- the user send a request to use printer 4 by sending a http request page**).

in response to receiving the user selection information, (**NB: the server receives the Http request from the user**) transmitting the first information indicative of the user selection to a server.

(Col. 12 Lines 10-37-thus the server transmits or sends back Web Browser 27 which has information like landscape and Portrait etc) whereby the first information received from the server is the landscape and Portrait as clearly shown in Fig. 33).

Secondly, applicant also argues that the cited references fail to teach causing a processor to operate a print mechanism in a second state, where the user selected functionality in the second state is not operable prior to receiving information from the server.

In reply, examiner respectively disagree because Hirabayashi discloses operating the print mechanism in accordance with the second state wherein the print mechanism is not operable **(Col. 14 lines 21-45- thus when the users information is not good the whole print system cannot be operated by the user)** with the functionality selected by the user prior to receiving the second information from the server. **(Col. 13 lines 29-38- thus the user eventually sends a print command where the printer prints the image as illustrated in Fig. 11).**

Also remember that after the user sent his credit card information and user-Id and Password and the server grant access based on the users information provided the printer changes from not doing anything to allowing the user to connect to both the server and the printer and therefore the first state is change to a second state where the printer is connected and started processing print jobs. This is fully explained in both Col. 13 lines 49-67 and Col. 14 lines 1-45.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

AMS
12/10/08

